



Paper 22

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,320,489
Issued: November 20, 2001
Application No. 08/977,400
Filed: November 24, 1997
Attorney Docket No. HALO 100-4

This is a decision on the petition filed December 8, 2006 under 37 CFR 1.28, requesting acceptance of a fee deficiency submission and loss of small entity status.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission in the amount of \$515.00 (\$450 for the maintenance fee and \$65 for the surcharge) has been charged to petitioner's credit card and is hereby accepted under 37 CFR 1.28. In view thereof, the petition is **GRANTED**. Status as a small entity has also been removed.

Additionally, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball
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